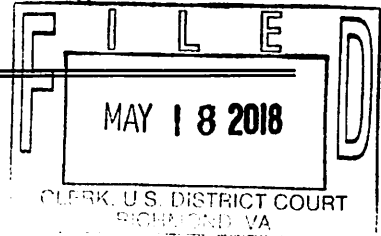


UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Information associated with GOOGLE account
APINERJR@GMAIL.COM, that is stored at premises
controlled by GOOLE, Inc

Case No. 3:18sw

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APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A

located in the Eastern District of Virginia, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 USC 2113(a)	Bank Robbery
Title 18 USC 924(c)	Use a firearm in a crime of violence, to wit: bank robbery

The application is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

TFO Philip Johnakin

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/18/2018

Judge's signature

Honorable Roderick C. Young, U.S. Magistrate Judge

Printed name and title

City and state: Richmond, VA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
GOOGLE ACCOUNT:
APINERJR@GMAIL.COM THAT IS
STORED AT PREMISES CONTROLLED
BY GOOGLE, INC.

Case No. 3:18SW _____

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, Philip Johnakin, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the search of information associated with GOOGLE account APINERJR@GMAIL.COM, and ALLEN EARL PINER Jr., including all location information.

2. Your affiant is a law enforcement officer within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. I have over eighteen years of law enforcement experience stemming from employment as a Police Officer with the Henrico County Division of Police. Currently, I am a duly appointed Task Force Officer with the Federal Bureau of Investigation (FBI) and have been so since October 2015. I am assigned to the Richmond FBI's Central Virginia Violent Crimes Task Force and my duties include investigating bank robberies, armored car robberies,

extraterritorial offenses, kidnappings, armed carjackings and theft of government property. I have investigated numerous criminal violations and have obtained arrest and search warrants. I have personally participated in the investigation set forth below. The crimes I investigate are violent and usually involve two or more individuals and I am familiar with the methods violent offenders use to conduct their illegal activities, to include their communication methods.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The information provided is based upon my personal knowledge, or that of other sworn law enforcement officers participating in this investigation.

4. This warrant seeks information from Google Account APINERJR@GMAIL.COM that is stored at a premises controlled by Google, 1600 Amphitheatre Parkway Mountain View, CA 94043, for dates ranging from June 1, 2017 to October 11, 2017.

RELEVANT STATUTORY PROVISIONS

Bank Robbery: 18 U.S.C. § 2113(a)

Use of a Firearm In a Crime of Violence: 18 U.S.C. § 924 (c)

PROBABLE CAUSE

5. The United States is investigating four armed robberies of banks within the Eastern District of Virginia.

6. The first robbery took place on June 29, 2017, by a person described as a white male, 5'07" to 5'09", 130lbs. to 140lbs., 30 to 40 YOA, wearing a black shirt and blue jeans, who entered the Walmart store, located at 7901 Brook Road, Henrico, VA. At the time, this UNKNOWN SUBJECT walked around the store for a few minutes before exiting the Walmart

and entering a vehicle in the parking lot. The UNKNOWN SUBJECT then changed into a red polo style shirt, light blue polo hat, gloves with black palms, and walked back into the Walmart store where he approached the counter of the Woodforest National Bank. The UNKNOWN SUBJECT produced a knife and jumped onto the counter moving towards K.H., victim bank teller, who was holding a deposit bag containing approximately \$4,073 in United States currency belonging to Woodforest National Bank. The UNKNOWN SUBJECT said to K.H., "Give me the money." K.H. gave the UNKNOWN SUBJECT the bank bag containing the United States currency and the UNKNOWN SUBJECT fled on foot to his vehicle in the parking lot. The UNKNOWN SUBJECT fled the parking lot. Woodforest National Bank is insured by the Federal Deposit Insurance Corporation (FDIC).

7. The second robbery took place on September 1, 2017. An UNKNOWN SUBJECT entered the Citizens Bank & Trust, located at 12101 Olivers Way, Chester, VA. The UNKNOWN SUBJECT made contact with S.I., victim bank teller, and produced a semi-automatic firearm with his left hand. The UNKNOWN SUBJECT stated, "This is not a joke, give me all the money in the top drawer, no bait money," and placed his firearm on the bank counter. The UNKNOWN SUBJECT was wearing distinctive orange gloves with black palms, and a hat. S.I. complied with the demands of the UNKNOWN SUBJECT, giving the UNKNOWN SUBJECT approximately \$4,000 in United States currency belonging to Citizens Bank & Trust. The UNKNOWN SUBJECT then fled on foot into the wood line near the bank. Citizen Bank & Trust is insured by the Federal Deposit Insurance Corporation (FDIC).

8. The third bank robbery took place on September 30, 2017, when an UNKNOWN SUBJECT entered the Walmart located at 7901 Brook Road, Henrico, VA. The UNKNOWN SUBJECT walked around the store for a few minutes before approaching the counter of the

Woodforest National Bank. The UNKNOWN SUBJECT made contact with M.H., victim bank teller, stated to the teller that this was a robbery, and produced a semi-automatic firearm with his left hand. The UNKNOWN SUBJECT demanded all of the bank's money and laid his firearm on the bank counter. M.H. stepped back and told the other tellers to give the UNKNOWN SUBJECT the money. C.M. and K.B., also tellers, complied with the UNKNOWN SUBJECT's demands and each handed over a bank bag containing a total of approximately \$5,192 in United States currency. The UNKNOWN SUBJECT then placed the stolen money into a yellow shopping bag he had brought with him. The UNKNOWN SUBJECT then fled on foot to a burgundy, 1980 Oldsmobile Cutlass in the parking lot. The UNKNOWN SUBJECT got into his vehicle and fled the parking lot. Woodforest National Bank is insured by the Federal Deposit Insurance Corporation (FDIC).

9. The fourth bank robbery took place on October 11, 2017, when an UNKNOWN SUBJECT entered the Argent Federal Credit Union located at 1901 Walmart Way, Midlothian, VA. The UNKNOWN SUBJECT approached V.E., a victim bank teller, and produced a black semi-automatic firearm with his left hand, and stated, "I want you to give me all your money." V.E. complied with the UNKNOWN SUBJECT's demands, removing the credit union's United States currency from her teller drawer. The UNKNOWN SUBJECT placed his firearm on the counter, and demanded to be given the "big bills" as well. V.E. gave the UNKNOWN SUBJECT approximately \$2,242 in United States currency and, unbeknownst to the UNKNOWN SUBJECT, a 3SI tracking device. The UNKNOWN SUBJECT placed the stolen currency and tracking devices into the left pocket of his black hooded sweatshirt, placed his firearm back into his waste-band, and fled the area on foot. Argent Federal Credit Union is insured through the National Credit Union Administration (NCUA).

10. Approximately two minutes after the robbery, Chesterfield County Police received GPS data from the 3SI tracking device that the UNKNOWN SUBJECT took from the Argent Federal Credit Union. The UNKNOWN SUBJECT was then observed driving a burgundy, 1980 Oldsmobile Cutlass, with Virginia license ZMT-5722, a short driving distance from the Argent Federal Credit Union. Chesterfield Police attempted to stop the vehicle; however, the UNKNOWN SUBJECT refused to stop and a pursuit ensued. The UNKNOWN SUBJECT drove to a fenced area of a construction area and fled on foot with his firearm. Chesterfield County Police were able to take the UNKNOWN SUBJECT into custody after shooting the UNKNOWN SUBJECT. Chesterfield Police provided medical treatment to the UNKNOWN SUBJECT and then transported the UNKNOWN SUBJECT to the hospital for treatment. The UNKNOWN SUBJECT was then identified as ALLEN EARL PINER JR., with the address of 7914 Provincetown Dr., Midlothian, VA.

11. After PINER's arrest on October 11, 2017, Chesterfield County Police processed the crime scene, including the vehicle PINER had used during the robbery. As a result, Chesterfield Police located the firearm PINER used in the robbery, United States currency taken in the robbery, the 3Si tracking device, and a cellular telephone. Upon review of the surveillance video of the other bank robberies detailed above, your affiant believes that the UNKNOWN SUBJECT in all of these robberies is, in fact, PINER.

12. On October 11, 2017, law enforcement responded to 7914 Provincetown Drive, Midlothian, VA. This is the residence of Johany Shackleford, the girlfriend of PINER. Shackleford told law enforcement that PINER had been living with her for several months and kept his clothing and tools in the apartment. Shackleford was asked for consent to search her apartment, which she granted. As a result of the search of the residence, law enforcement located

a pair of orange gloves with black palms, which appeared to match the gloves worn by the by the robber in the Citizens Bank & Trust on September 1, 2017.

13. On October 20, 2017, a search warrant was executed on a ZTE cellular device belonging to PINER. As a result of the search of the cellular device, the Google account located on the cellular device was determined to be APINERJR@GMAIL.COM. This case account was showing active on the cellular device and had last synced with the Google account on October 11, 2017.

GOOGLE

14. In my training and experience, I know that Google asks users to provide basic contact and personal identifying information to Google, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Google passwords, Google security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

15. Google users can select different levels of privacy for the communications and information associated with their Google accounts. By adjusting these privacy settings, a Google user can make information available only to himself or herself, to particular Google users, or to anyone with access to the Internet, including people who are not Google users.

16. Android OS mobile devices require the user to have a G-Mail or Google account when activating the devices. As part of the normal operating system of the Google account operating on the mobile devices, Google collects location information from the mobile devices based on the location services on the mobile devices and the map services imbedded and used in the mobile devices. Google uses GPS as well as the nearby cellular towers being used by the

mobile device. In some cases this information is even available to Google when location services are disabled. The information is then sent back to Google. The result is that Google has access to data about the locations and movements of a mobile device.

17. Each Google account has an activity log, which is a list of the user's activities from the inception of the account to the present. The activity log includes email, Chats, Video Calls, and photos that the user has been in contact with.

18. Google also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Google, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Google account, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

19. Social networking providers like Google typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized. In some cases, Google users may communicate directly with Google about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Google typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

20. Therefore, the servers of Google are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and

their use of Google, such as account access information, transaction information, and other account information.


INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

21. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Google to disclose to the government copies of the records and other information (including the content of communications) from the account described in Attachment A, for the items particularly described in Attachment B.



CONCLUSION

22. Based on the foregoing, I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Respectfully submitted,


Philip F. Johnakin
Task Force Officer, FBI

Subscribed and sworn to before me
on May 18, 2018:


/s/ 
Roderick C. Young
United States Magistrate Judge

ATTACHMENT A

DESCRIPTION OF LOCATION TO BE SEARCHED

This warrant applies to information associated with the Google account of ALLEN EARL PINER JR., utilizing the Google account identifier: APINERJR@GMAIL.COM, for the time period of **June 1, 2017 to October 11, 2017**, including the associated location data, private messenger inbox, which is stored at premises owned, maintained, controlled, or operated by Google, 1600 Amphitheatre Parkway Mountain View, CA 94043

ATTACHMENT B

To the extent that the information described as APINERJR@GMAIL.COM is within the possession, custody, or control of Google, including any and all location information (GPS, wifi location, or cellular tower location), messages, records, files, logs, or information that have been deleted but are still available to Google, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Google is required to disclose the following information to the government for Google account APINERJR@GMAIL.COM:

(a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Google passwords, Google security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

(b) All activity logs for the account and all other documents showing the user's posts and other Google activities;

(c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;

(d) All private messenger/ Google Hangouts "Chats" that contain any location data or information.

(e) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Google user identification numbers; groups and networks of which the user is a member, including

the groups' Google group identification numbers and information about the user's access and use of Google applications;

(f) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and emails;

(g) All "check ins" and other location information;

(h) All IP logs, including all records of the IP addresses that logged into the account;

(i) The types of service utilized by the user;

(j) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);

(k) All privacy settings and other account settings, including privacy settings for individual Google posts and activities, and all records showing which Google users have been blocked by the account;

(l) All records pertaining to communications between Google and any person regarding the user or the user's Google account, including contacts with support services and records of actions taken.

(m) All location history to include but not limited to GPS, wifi connection points, cell tower, and any other location information with date and timestamps.